IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

WP(C).No. 13132 of 2007(L)

PETITIONER:

KALYANI,
W/O. LATE SRI.ABHIMANYU @ KUTTAN,
THACHAROTHU PATHIYIL HOUSE, CHERUMUNDASSERY,
AMBALAPPARA, OTTAPPALAM TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
COLLECTORATE, PALAKKAD.

2. THE TAHSILDAR, OTTAPPALAM TALUK,
PALAKKAD DISTRICT.

3. THE STATE OF KERALA, REP. BY THE
SECRETARY, REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

4. BALACHANDRAN, S/O. MAKKUNNI,
THACHATTIRI HOUSE, THIPPULASSERY,
PERUMBILAVU VILLAGE, KUNNAMKULAM,
THRISSUR DISTRICT.

5. RAMACHANDRAN, S/O.KRISHNAN,
CHOLAKKAL HOUSE, CHERUMUNDASSERY AMSOM,
AMBALAPPARA, OTTAPPALAM TALUK,
PALAKKAD DISTRICT.

6. BROTHERS LIQUORS, REP. BY MANAGING
PARTNER, BALACHANDRAN, S/O.MAKKUNNI,
THACHATTIRI HOUSE, THIPPULASSERY,
PERUMBILAVU VILLAGE, KUNNAMKULAM,
THRISSUR DISTRICT.

R1 TO R3 BY SR.GOVT. PLEADER SRI.BENJAMIN PAUL.
BY ADV. SRI.P.VIJAYA BHANU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP(C) NO.13132 OF 2007)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the award passed by the Deputy Labour Commissioner dtd.21.10.2005.

Ext.P2: Copy of the representation submitted by the petitioner before the first respondent dtd.October, 2006.

-True Copy-

P.A.to Judge.

S. SIRI JAGAN, J.

WP(C) NO. 13132 OF 2007 - L

Dated this the 30th day of July, 2007

J U D G M E N T

The petitioner is the widow of late Abhimanyu @ Kuttan, who died in an accident in the course of employment with respondents 4 to 6. In an application before the Workmen's Compensation Commissioner in W.C.C.No.122/1994 (renumbered as W.C.C.No.353/2004), by Ext.P1 order, respondents 4 to 6 were directed to pay to the petitioner an amount of Rs.73,668/- with interest at 6% per annum from 8.6.1994 as compensation under the Workmen's Compensation Act. The petitioner has filed this writ petition complaining that respondents 1 to 3 are not taking steps to recover the amounts from respondents 4 to 6 and to pay the same to the petitioner. The petitioner therefore seeks the following reliefs:-

> "i. To issue an appropriate writ, order or direction commanding the first respondent to issue Revenue Recovery Certificate and complete the recovery proceedings pursuant to Ext.P1 award against the defaulters within such time as may be fixed by this Hon'ble Court.
>
> And

> ii) To pass any such or further orders as the petitioner may seek and this Hon'ble Court deems fit to grant;”

2. The first respondent has filed a counter affidavit stating that on a representation made by the petitioner through the M.L.A., Ottappalam, enquiry was made and the Deputy Labour Commissioner, Thrissur in his letter No.A/138/06 dated 8.2.2007 had reported that an amount of Rs.73,668/- plus 6% interest from 8.6.94 is due to the legal heirs of late Abhimanyu as per order dated 21.10.2005 in W.C.C.No.353/04 (Old No.122/94). The first respondent takes a stand that the Deputy Labour Commissioner, Thrissur has not forwarded the revenue recovery requisition and that is why no proceedings have been initiated.

3. Respondents 4 to 6 appear through counsel and admit that no appeal has been filed against the order of the Workmen's Compensation Commissioner.

4. In the above circumstances, the writ petition is disposed of as follows:-

The first respondent shall treat the letter No.A/138/06 dated 8.2.2007 received from the Deputy Labour Commissioner, Thrissur as the request for revenue recovery proceedings. The amount due as stated in the letter shall be recovered from respondents 4 to 6 and paid over to the petitioner within two months from the date of receipt of a copy of this judgment.

sd/-
S. SIRI JAGAN,
Judge

Mbs/

-True copy-

P.A.to Judge.

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007